

DECLARATORY

~~Improvement~~ Res. No. 1065-1961

For the Vacation of Bueter Avenue from
the north property line of State Boulevard
to the south property line of Vacated
Dodge Avenue.

Resolution Adopted:

Oct. 16, 1961

Confirmed:

Waiver signed by all property owners

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Nov. 9, 1961

1065

B.O. 131-'61

DECLARATORY RESOLUTION NO. 1065-1961

For the Vacation of Bueter Avenue from the north property line of State Boulevard to the south property line of Vacated Dodge Avenue.

PLANS ORDERED: August 18, 1961

ADOPTED: Oct. 16, 1961

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

HEARING ON CONFIRMATION: WAIVED

CONFIRMED: Waiver signed by all property owners.

ASSESSMENT ROLL ORDERED: Oct. 16, 1961

ASSESSMENT ROLL APPROVED: Oct. 23, 1961

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL: Thurs., Nov. 9, 1961 at 3:30 p. m.

NOTICE SERVED: Oct. 27, 1961

ASSESSMENT ROLL CONFIRMED: Nov. 9, 1961

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of Bueter Avenue from the north property line of State Boulevard to the south property line of Vacated Dodge Avenue

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Bueter Avenue from a point forty (40) feet north of the south line of the northeast quarter of Section 32, Township 31 north, Range 13 east to the south line of Dodge Avenue as shown by dotted line on the recorded plat of Inwood Park Addition in Plat Book 10, Page 28, Records Office, Allen County, Indiana.

NOTE: This entire 25 foot wide street will revert to Lot No. 1, Inwood Park Addition, since it was originally appropriated from said addition.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lot No. 1, Inwood Park Addition and space lying west of Bueter Avenue, north of State Boulevard and south of Brentwood Park Addition, Section "C" in Section 32-31-13E. Said Addition and space inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

A portion of the above described street ~~The vacation of the above described~~ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of ~~sewers, water mains, gas mains,~~ electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the north one-half of Section 32, Township 31 north, Range 13 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 16 DAY OF October 19 61.

Attest: *James McGraw*
Secretary Board of Public Works.

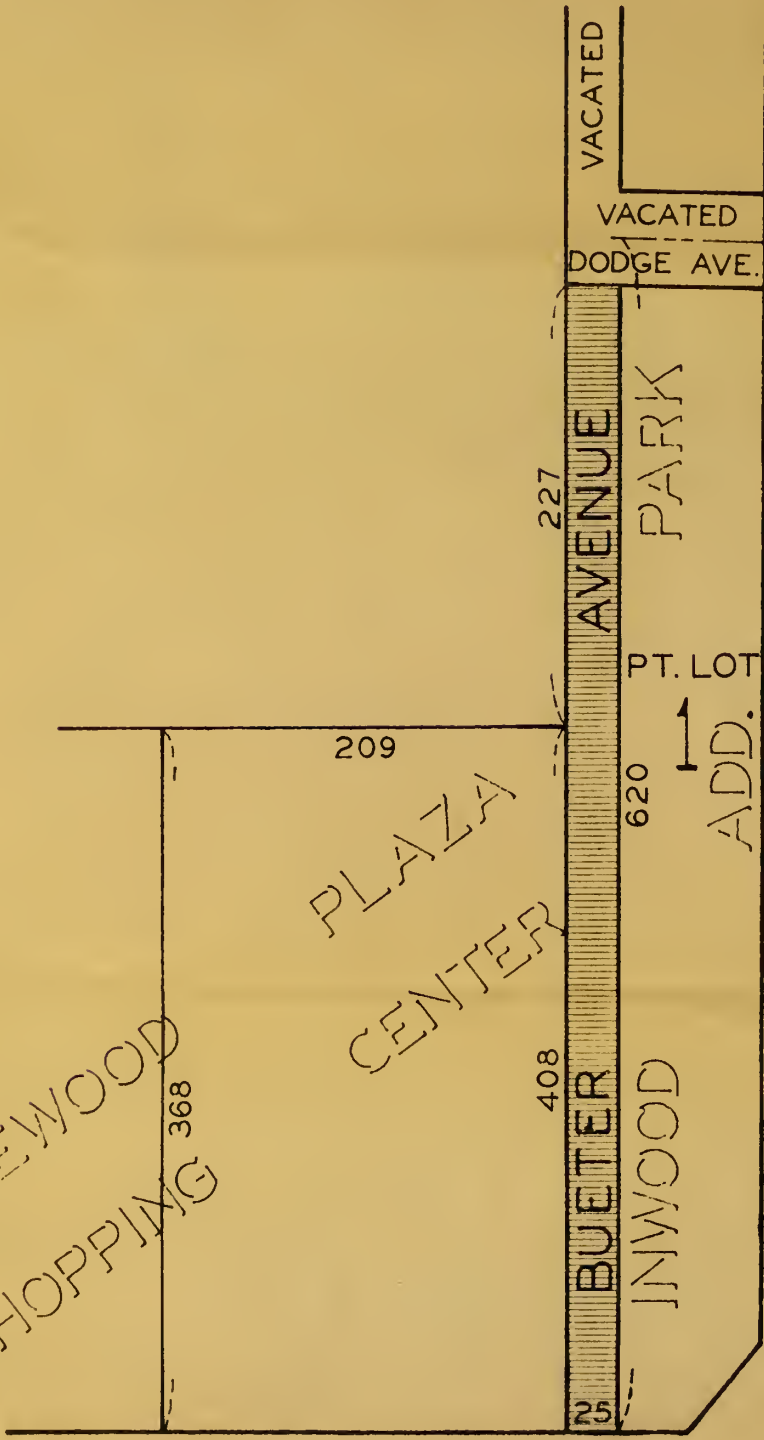
P. K. Rasmussen
Hy. Clausen
Richard D.
Board of Public Works.



STREET TO BE VACATED

STATEWOOD
SHOPPING

PLAZA
CENTER



150

BOULEVARD

CIRCUMURBAN

EAST 30 40 STATE BLVD.
S.W. COR. OF N.E. 1/4 SECT 32-31-13E.



1065

WAIVER

We, the undersigned, who are all of the persons owning property which may be injuriously or beneficially affected by the proposed vacation of a street described as follows, to wit:

The vacation of Bueter Avenue from a point forty (40) feet north of the south line of the northeast quarter of Section 32, Township 31 north, Range 13 east to the south line of Dodge Avenue as shown by dotted line on the recorded plat of Inwood Park Addition in Plat Book 10, Page 28, Records Office, Allen County, Indiana,

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. **1065**, do hereby waive any and all rights we may have to receive notice of such resolution either by publication or otherwise, do waive our right to a hearing on said resolution and do waive our rights to file or present in any way any remonstrance against the action taken by said Board of Public Works under said resolution; and we do all and each of us hereby agree that said Board of Public Works may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and we further agree that such action so taken shall be final and conclusive on us and each of us.

Dated this 9th day of October, 1961.

Esther M. Miller
Esther M. Miller

Lot No. 1, Inwood Park Addition
except that portion taken for
highway purposes

Richard A. Curdes
Richard A. Curdes

Space lying west of Inwood Park Add.,
south of Brentwood Park Add., Section "C"
and east of Bolton Drive in Section 32,
Township 31 north, Range 13 east.

Suzanne T. Curdes
Suzanne T. Curdes

Space lying west of Inwood Park Add.,
and north of State Blvd. in Section 32,
Township 31 north, Range 13 east.

K & H Realty Corp.

BY: Harold Blumke
SECY

This instrument prepared by Don Bodeker - Engineering Department of the City
of Fort Wayne, Indiana

P E T I T I O N

Fort Wayne, Ind., August 9, 1961

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate on Bueter Avenue, also known as Bueter Road, from
State Boulevard north to vacated Dodge Avenue
~~also known as Bueter Avenue,~~

respectfully petition for the passage of a resolution providing for the vacation of all that portion of Bueter Avenue as shown on the recorded plat of Inwood Park Addition north of the north property line of State Boulevard to the south line of Dodge Avenue as shown by dotted line on said recorded plat of Inwood Park Addition.

NAME

ADDRESS

Esther M. Miller

2425 N. Bueter Road

Petitioner

Suzanne J. Curdes

1609 Forest Park Blvd.

Richard A. Curdes

1609 Forest Park Blvd.

K & H Realty Corp., By Robert M. Hughes

Secy-Treas., 1235 Lincoln Bank Tower

Prior vacation of Bueter Avenue north of the south line of Dodge Avenue appears in Circuit
Order Book III, page 186 - 188.

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

43-292-6

B.O. 131-'61

Date Oct. 16, 1961

To City Engineer

Subject Declaratory 1065-1961 Vacation of Bueter Avenue

from the north property line of State Boulevard to the south property
line of Vacated Dodge Avenue.

Prepare the Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Paul F. Roembke
H. N. Clauss
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach Res. & P. O. List
cc: Mayor Burns

NOTED

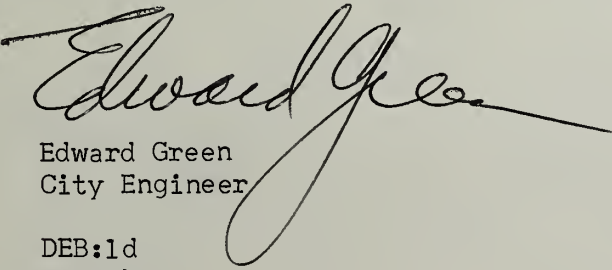
☐ P.F.R.
☐ H.N.C.
☐ B.W.

Signed _____

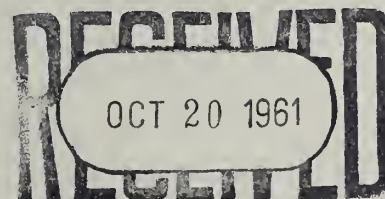
Reply: _____ Date _____

October 18, 1961

Assessment roll of benefits and damages completed and attached.


Edward Green
City Engineer

DEB:ld
attach.



Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

City of Fort Wayne



OFFICE OF
CITY PLAN COMMISSION

2

FORT WAYNE 2, INDIANA

September 21, 1961

Mr. Donald E. Bodeker
Office Engineer
City Engineers Office
425 South Calhoun Street
Fort Wayne, Indiana

Dear Mr. Bodeker:

We have reviewed the proposed vacation of Bueter Avenue from East State Boulevard north to its intersection with the vacated portion of Dodge Avenue and have no objection to this vacation for the following reasons:

1. The section of street serves no particular function from the standpoint of movement of traffic since it immediately parallels U. S. #30 Bypass.
2. The section of street is only 25 feet in width which would not be adequate for normal street traffic.
3. The vacation of this street would permit the tying together of the part of Lot 1 in Inwood Park Addition with that part of land west of Bueter Road presently being developed as Statewood Shopping Center. The tying together of these two parcels would make the land more usable and would provide for a proper use of land from the standpoint of access and traffic movement.

For these reasons, it would be our recommendation that the above-described street be vacated subject to, of course, necessary easements that might be needed by the various utilities.

Sincerely,

CITY PLAN COMMISSION

William J. Jones
William J. Jones
Planning Director

WJJ:mo

1065

NOTED

☒ P.F.R.
☒ J.D.L.
☐ B.W.

September 15, 1961

Date _____

William J. Jones
Planning Director

James T. White
Traffic Engineer

Please submit your opinion and recommendation on
the following proposed vacation:

The vacation of Buster Avenue from the north property
line of State Boulevard to the south property line of vacated Dodge
Avenue.

Donald E. Bodeker
Donald E. Bodeker,
Office Engineer

DEB/lis

cc: Mayor Paul M. Burns
Board of Public Works ✓
(Board Order 131-'61)

RECEIVED
SEP 18 1961

September 15, 1961

Northern Indiana Public Service Company
Indiana & Michigan Electric Company
General Telephone Company of Indiana

We have received a petition to vacate Bueter Avenue from the north property line of State Boulevard to the south property line of vacated Dodge Avenue.

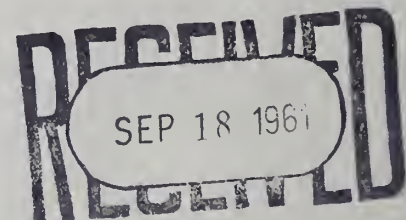
Please check your easement requirements on the enclosed post card and return it to us as soon as possible.

Very truly yours,

Donald E. Bodeker
Donald E. Bodeker,
Office Engineer

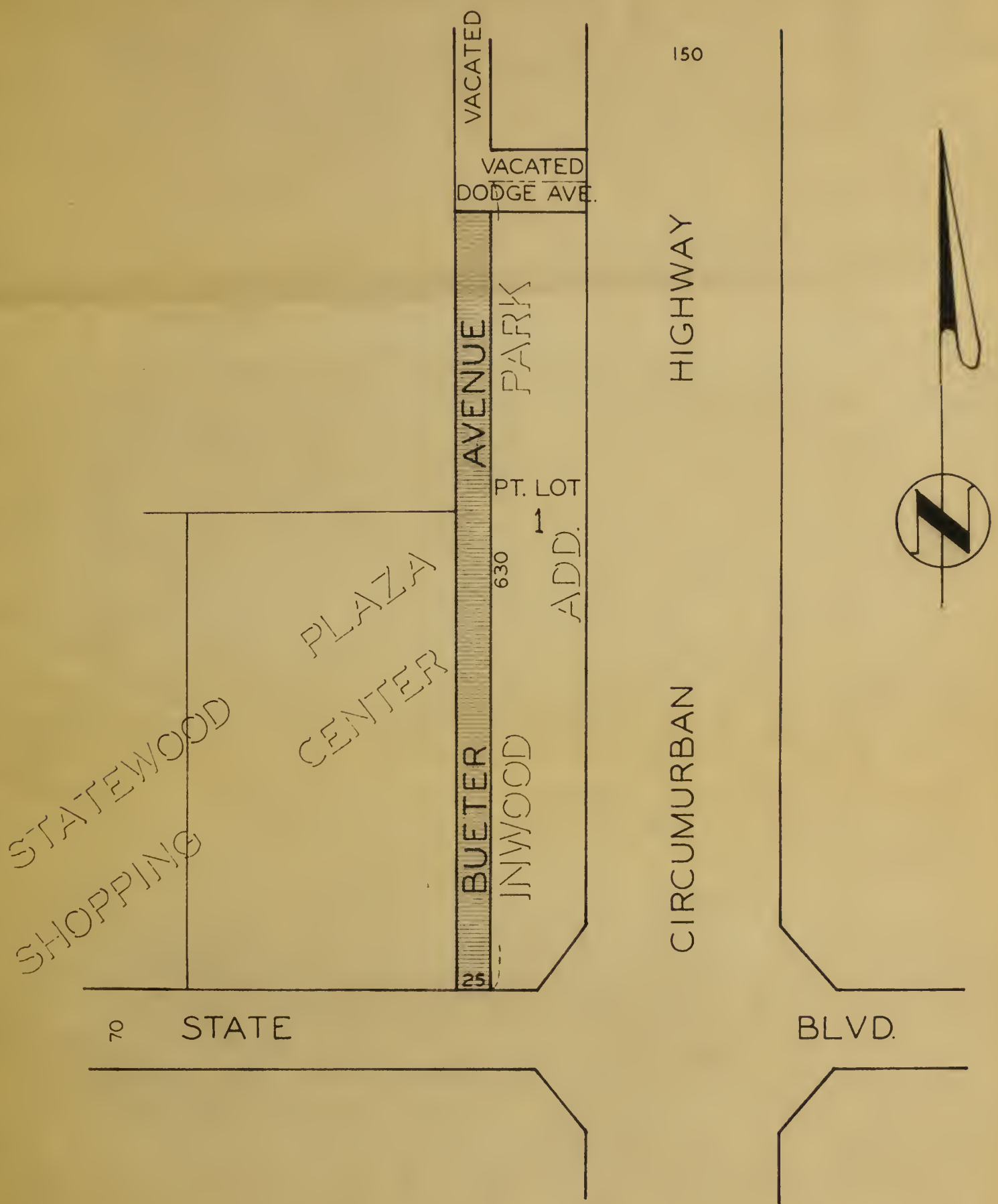
DEB/is
attachs.

cc: Mayor Paul M. Burns
Board of Public Works ✓
(Board Order 131-'61)





STREET TO BE VACATED





43-214-8

Date August 18, 1961

B. O. 131-'61

To City Engineer

Subject VACATION - Bueter Avenue

Received a petition for the vacation of Bueter Avenue north of State Boulevard and south of vacated Dodge Avenue.

Prepare an Opinion after conferring with all Governmental Agencies and Utilities.

Paul F. Roembke
John D. Lombard
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach copy of petition
cc: Mayor Burns

Signed _____

Reply:

1065

October 11, 1961

Declaratory Resolution, drawing and property ownership list completed and attached.

Since Bueter Avenue is a dead-end street, it affects only those properties abutting it and should be of no interest to the general public. We therefore recommend the attached waiver be honored and the resolution approved without a public hearing.

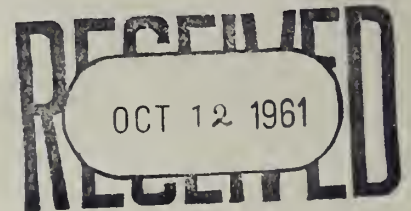
This office also obtained a signed easement grant which will be recorded after the resolution is confirmed.

Edward Green
City Engineer

DEB:ld
attachs.
cc: Mayor Burns

okay 10/16/61

Edward Green



Signed _____

42-214-8

PETERS & PEEBLES

ATTORNEYS AND COUNSELLORS AT LAW
813 GETTLE BUILDING
FORT WAYNE 2, INDIANA

DAVID PETERS
DAVID PEEBLES

TELEPHONE
E-3306

August 17, 1961

Mr. Kenneth McGraw, Secretary
Board of Public Works
City Hall
Fort Wayne, Indiana

Dear Mr. McGraw:

We are enclosing herewith a petition for the vacation of Bueter Avenue north of State Boulevard and South of vacated Dodge Avenue. This description has been double checked with the abstracter and we believe it to be correct. The prior vacation of Bueter Avenue north of the south line of Dodge Avenue appears in Circuit Order Book 111, Page 186-188, in the Clerk's Office of Allen County, Indiana. This prior vacation was accomplished in connection with the subdividing of Glenwood Park.

We find from the record that it had been assumed that the portion covered in the enclosed petition had been vacated many years ago as Esther M. Miller, the person who is actually affected, has erected a garage on the unvacated portion of Bueter Avenue. K & H Realty Corp. and Richard A. Curdes and Suzanne T. Curdes are adjoining owners of the real estate on the East.

K & H Realty Corp. is erecting the shopping center at the northwest corner of the Bypass and State Boulevard and the unvacated portion of Bueter Avenue is located on land which K & H is leasing from Esther M. Miller. Esther M. Miller is the surviving tenant by the entirety of Herbert Miller, deceased.

I sincerely trust that the foregoing information will be sufficient for the Board of Public Works to process this petition. If you are in need of any further information, please contact me immediately at E-3306.

Thanking you for your many past favors and cooperation, I am

Sincerely yours,



David Peters

DP:ms

Copy to: Mr. Theodore Hagerman
Mr. Norbert Knapke

ENGINEERING
DEPT. OF STREETS

DATE September 14, 1962

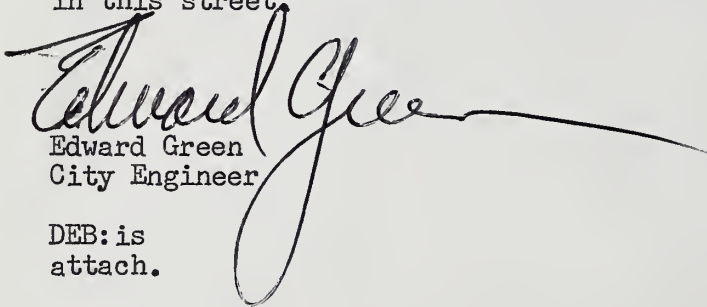
TO: Board of Public Works

SUBJECT: Board Order No. 131-1961

A copy of the easement grant for Declaratory Resolution No. 1065-1961 which provides for the vacation of Bueter Avenue from the north property line of State Boulevard to the south property line of Vacated Dodge Avenue, is attached.

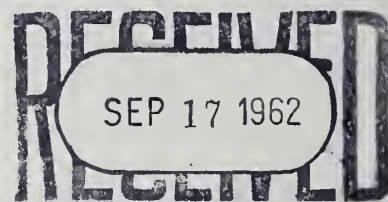
This grant has been signed by the only property owner involved and recorded in the office of the Allen County Recorder. It should be filed with the resolution as a permanent record.

Copies have also been distributed to each Utility Company with facilities in this street.


Edward Green
City Engineer

DEB:is
attach.

cc: Mayor Burns



Book 596 Page 581-2

THIS INDENTURE WITNESSETH, That the Undersigned Grantors, each over the age of twenty-one (21) years, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by the Grantors, do hereby CONVEY and WARRANT to the following named Grantees, and each of them, and their respective successors and assigns, namely, to-wit: INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana corporation and GENERAL TELEPHONE COMPANY OF INDIANA, INC., an Indiana corporation, a perpetual right of way and easement with the right, privilege and authority to the Grantees and each of them and to their respective successors and assigns (1) to construct, erect, operate, maintain, repair, renew and replace a line or lines (overhead and/or underground) with all necessary or convenient poles, crossarms, structures, conduits, ducts, wires, cables, guys and other equipment and appurtenances, for the transmission, distribution and delivery of electrical energy or other power to the Grantees and each of them and to other persons, firms and corporations and to the public in general for light, heat, power, telephone, telegraph and all other purposes whatsoever in, upon, along, over, under, through or across the real estate hereinafter described;

Beginning at a point on the west line of the northeast quarter of Section 32, Township 31 North, Range 13 East, said point being 373 feet north of the southwest corner of said northeast quarter of Section 32; thence north along said west line of the northeast quarter of Section 32, a distance of 262 feet; thence east by deflection right of 90 degrees, a distance of 7 feet; thence south by deflection right of 90 degrees, a distance of 222 feet; thence east by deflection left of 90 degrees, a distance of 14 feet; thence south by deflection right of 90 degrees, a distance of 10 feet; thence west by deflection right of 90 degrees, a distance of 14 feet; thence south by deflection left of 90 degrees, a distance of 30 feet; thence west by deflection right of 90 degrees, a distance of 7 feet to the point of beginning.

DEC 29 1961

Robert E. Lambrough
Auditor of Allen County

Richard Heston
1961 DEC 29 PM 1 45
ALLEN COUNTY RECORDER

DULY ENTERED FOR TAXATION

TOGETHER with the right, privilege, and authority to the Grantees, and each of them, and their respective successors and assigns, to cut and, at their option, remove from said real estate any trees, over-hanging branches, bushes or other perennial growth or other obstructions which might endanger the safety or interfere with the use of said poles, crossarms, structures, conduits, ducts, wires, cables, guys and other equipment and appurtenances or any structure on the above described real estate; of full and complete right of ingress and egress to and over the above described real estate, and to and over adjoining lands of the Grantors where a public street or highway does not adjoin the above described real estate, at any and all times, for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted; and of full and complete rights, easements, privileges and appurtenances in or to said real estate which may be required for the full enjoyment of the rights herein granted. Any damages to crops, fences, drains, ditches or buildings of the Grantors on lands of the Grantors adjoining the real estate above described, caused by the construction, operation and maintenance of any of the facilities covered by this easement, shall be paid for by the Grantee or Grantees causing such damage. All claims for damages caused in the construction, operation and maintenance of said facilities, shall be made at or mailed to the office of the Grantee or Grantees alleged to have caused such damage within thirty (30) days after such damage accrue. If Grantors and Grantees cannot agree on the amount of damages, the same shall be arbitrated.

The Grantors reserve the use of the above described land not inconsistent with this grant.

The undersigned hereby covenant that they are the owners in fee simple of the above described real estate, are lawfully seized thereof, and have good right to grant and convey said easement herein, and guarantee the quiet possession thereof, and that the Grantors will warrant and defend the title to the said easement against all lawful claims.

These presents to be binding on the Grantors and their respective executors, administrators, grantees, successors and assigns, and upon the Grantees and their respective successors and assigns.

IN WITNESS WHEREOF, the Undersigned Grantors have executed this instrument this 9th day of October, 1961.

Grantor

Lot Number

Esther M. Miller
Esther M. Miller

Lot No. 1, Inwood Park Add.,
except that portion taken for
highway purposes

STATE OF INDIANA }
COUNTY OF ALLEN } SS

Before me, the undersigned, a Notary Public in and for said County and State,
this 9th day of October 1961, personally appeared
Esther M. Miller and acknowledged the execution of the above and foregoing
Grant of Easement as her voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official



Commission expires January 8, 1963.

David Peters
Notary Public (David Peters)

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	CURDEG, RICHARD A. & SUZANNE T.	1605 Forest Park Blvd.					SPACE - LYING WEST OF INWOOD
2							PARK ADD., S. OF BENTWOOD PARK
3							ADD., SECTION "C", & E. OF BOLTON
4							DE. IN N.W. 1/4 SEC. 32-31-13E
5	K & H REALTY COOP.	5/8 AC. IN N.W. 1/4 SEC. 32-31-13E					SPACE - LYING WEST OF INWOOD
6		1235 Franklin Ave.					PARK 1/4 L. IN N.W. 1/4 SEC. 32-31-13E
7							BLVD. IN N.W. 1/4 SEC. 32-31-13E
8	MILLER, ESTHER M.	2455 N. Bueter Road					INWOOD PARK ADD.
9							1-PRG. TRACT 14.
10							TAKEN FOR HIGHWAY BLVD USE
11							
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